

**COMMENTS CONCERNING RAISED BILL NO.725
AN ACT CONCERNING REFORMS RELATED TO CONDOMINIUMS AND
OTHER COMMON INTEREST COMMUNITIES
By Kim McClain**

Summary

S.B. 725 proposes to limit to six years the aggregate number of years of service on a community association board. This bill would also prohibit members of the same family from serving on a community association board.

Kim McClain

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). CAI-CT is the educational and technical assistance entity for community associations and their service providers in Connecticut.

I am submitting comments, to present my insights into how the proposed bill will affect the more than 4,000 common interest communities in Connecticut, and the hundreds of thousands of people who live in them.

Statement

CAI-CT OPPOSES S.B. 725 for the following reasons:

1. S. B. 725 is unnecessary because the officers and directors of an association ultimately serve at the pleasure of the unit owners within the community, and Connecticut law currently contains adequate provisions governing the election and removal of directors that enable owners to control the composition of both officers and directors.

Community Associations are legal entities which are run democratically. Therefore, it is incumbent upon the unit owners in an association to elect persons who represent their interests. Conversely, unit owners also have the power to remove elected board members who are not performing up to the standards the community desires.

2. This bill will make it much more difficult for associations to find good leadership because it limits the pool of potential volunteers. Over time, these limitations may actually make it impossible for associations to comply with other laws, and their own documents, governing the election of directors.

It is often difficult for associations to recruit an adequate number of qualified, diligent unit owners to serve as duly elected board members of their association. Clearly, the larger the association, in theory, there are more possible board members. However, many associations are advertised as "maintenance-free" living. Buyers that are often lured by the concept of reduced homeowner responsibilities are disinterested in devoting volunteer hours to the fiscal and legal operations of their associations.



It is important to consider the fact that most community associations are fairly well-run by well-intentioned board members. Unfortunately, there are some examples where there is obvious lack of knowledge and education on the part of both the unit owners and the board members. The typical complaint received in the CAI-CT office is most often a situation where the board has received no training and/or the unit owner did not understand their obligations dictated by the association's governing documents

The Connecticut Common Interest Ownership Act Law Revision Commission is in the process of drafting revisions. These revisions will provide many changes which will create greater transparency in association governance. Community associations in Connecticut would be better served if the CIOA amendments are implemented instead of imposing restrictions such as the provisions outlined in S.B. 725 which would inevitably serve to harm associations in the long run.

We would be happy to further discuss with you this issue, or any other affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmclain@sbcglobal.net.